



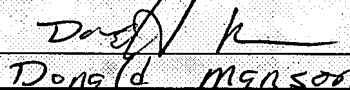
PATENT  
EMC-97-153CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Douglas LeCrone, et al	GROUP ART UNIT:	2114
U.S.S.N.:	10/642,912	CONFIRMATION NO.:	3185
FILING DATE:	August 18, 2003	EXAMINER:	Chu, Gabriel L.
		CUSTOMER NO.	24227
TITLE:	HOST SYSTEM FOR MASS STORAGE BUSINESS CONTINUANCE VOLUMES		

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 5<sup>th</sup>, 2007.

  
Donald M. Manson

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

Sir:

Douglas E. LeCrone and Bruce A. Pocock declare:

1. That they are the co-inventors who on March 13, 1998 filed the above-reference U.S. Patent Application No. 10/642,912 entitled "Host System for Mass Storage Business Continuance Volumes" (the "Application").

2. That they conceived their invention in this country long prior to June 13, 1997, the filing date of U.S. Patent No. 6,216,211 entitled "Method and Apparatus for Accessing Logical Volumes" (the "McBrearty patent").

3. That at least as early as May 20, 1996, they began developing source code implementing the invention, as evidenced by the development history maintained in EMC Corporation's Interactive System Productivity Facility ("ISPF") directory listing, a screenshot of which is attached as Exhibit A. ISPF is a software library management tool for versioning, auditing, and promoting source code. It is maintained by EMC as an ordinary business record to provide developers with an interface to create software applications.

4. That at least as early as April 29, 1996, Douglas E. LeCrone produced the first working version of the source code implementing the invention.

5. That by August 8, 1996, Douglas E. LeCrone had a working version of the invention under software test as evidenced by EMC email records. A copy of this email is attached as Exhibit B.

6. That on December 12, 1996, Douglas E. LeCrone demonstrated all features of the invention to other EMC employees and senior members of an external SW development company under non-disclosure agreement with EMC. This demonstration is evidenced by EMC email records. A copy of this email is attached as Exhibit C

7. That the features of this invention were reduced to practice as documented in chapter three of an EMC product guide entitled "SYMMETRIX Multiple Mirror Facility MVS Batch Utility" which was first printed in February 1997. This document being printed to support shipment of this product later in 1997. A copy of this document is attached as Exhibit D.

8. That Douglas E. LeCrone worked substantially continuously on the development of this source code, in original and subsequent versions, from May 20, 1996 through the filing date of the Application on March 13, 1998, spending at least 20 manhours per week.

9. That Bruce A. Pocock worked substantially continuously on the development of this source code from his start date at EMC in August, 1997 through the filing date of the Application on March 13, 1998, spending at least 20 manhours per week.

10. That they do not know and do not believe that their invention has been in public use more than one year before the date of their application; and that they have never abandoned the invention.

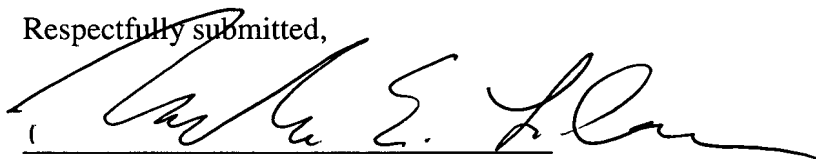
11. That all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States

Applicant: Douglas LeCrone, *et al.*  
U.S.S.N.: 10/642,912  
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Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/5/07  
Date

Respectfully submitted,

  
\_\_\_\_\_  
Douglas E. LeCrone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bruce A. Pocock